

## REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 2-5, 8-30, and 32 are currently pending. Claim 32 is hereby added. Claims 8, 17, 23, and 32 are independent. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### II. REJECTIONS UNDER 35 U.S.C. §103

Claims 8, 3, 4, 9-13, 15-17, 19, 21-27, and 29-30 were rejected under 35 U.S.C. §103 as allegedly unpatentable over U.S. Patent No. 7,013,477 to Nakamura et al. (hereinafter, merely “Nakamura”) in view of U.S. Patent No. 6,973,669 to Daniels in view of U.S. Patent No. 6,285,818 to Suito et al. (hereinafter, merely “Suito”) and further in view of U.S. Patent No. 6,564,379 to Knudsen et al. (hereinafter, merely “Knudsen”);

Claims 2 and 18 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura, Daniels, Suito, Knudsen and further in view of U.S. Patent Application Publication No. 2002/0019769 of Barritz et al. (hereinafter, merely “Barritz”); and

Claims 5, 14, 20, and 28 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura, Daniels, Suito, Knudsen and further in view of U.S. Patent Application Publication No. 2003/0192060 of Levy.

Applicants respectfully traverse these rejections.

Claim 8 is representative and recites, *inter alia*:

“when said commercial designation signal is input, reading the commercial broadcast information designated by the related commercial designation signal from said storing means and making said reproducing means reproduce all the commercial broadcast information in the second sequence as supplied in the broadcast information  
...  
in the following reproduction of said series of broadcast information, reproducing the broadcast portions while not reproducing, but skipping over the commercial broadcast information which has been already reproduced,”

In the present application, the commercials are stored as received as part of the broadcast information. At the time of reproduction of the broadcast information ALL of the commercials are played first, in the sequence received from the broadcaster. Then, after all of the commercials that were received have been played in the sequence received, the method the reproduces the program portion of the broadcast information and the commercial portions are skipped over (not reproduced).

Neither Nakamura, Daniels, Suito, Knudsen, nor Levy describe all the features of the present application. While broadcast data is recorded with commercials in sequence as received from the broadcaster, there is no description that, when reproducing the program: (1) ALL of the

commercials are played first AND in the sequence as received from the broadcaster, and (2) the stored broadcast information (program and commercials) is played sequentially as received but the method skips over the commercials.

The present invention is not claiming merely skipping over commercials in a broadcast program that is received from a broadcaster and stored. The present invention is claiming playing ALL of the commercials that were broadcast in the sequence received first, then playing the broadcast program and skipping over the commercials.

Claim 8 is patentable over the cited references because those references taken alone or in combination do not teach or suggest each and every limitation recited in the claim.

For reasons substantially the same as discussed above with respect to independent claim 8, independent claims 17 and 23 are also believed to be patentable..

### **III. NEW CLAIM**

Claim 32 has been added and claims receiving broadcast information such as a broadcast program having commercials interspersed in the program. The broadcast information is recorded as received, that is, program content separated by the commercials. This is not uncommon in recording of broadcast programs.

When a user requests the program be reproduced, the method reproduces all of the commercials from the broadcast information first. Moreover, the commercials are arranged in the sequence as originally arranged in the program. After all of the commercials are reproduced,

the method reproduces the stored broadcast program. However, the commercial portions are skipped over.

Thus, in the present method, the commercials are stored interspersed with the broadcast program as received. That is, the commercials are not separated out and stored separately from the program portions of the broadcast information. It is only at the time of reproduction of the broadcast information that all of the commercials are played first, in the sequence received from the broadcaster, then the method goes back and start reproducing the broadcast information. However, the commercial portions are then skipped over (not reproduced).

This method is distinguishable from, for example, U.S. Patent No. 6,574,424 to Dimitri et al. While Dimitri allows for playing of commercials before a movie, the commercials and the movie are stored separately on the DVD. That is, Dimitri includes various video clips stored on the DVD and also a movie stored separately on the DVD. A user may select certain video clips to be reproduced before playing the movie. There is no suggestion the commercials (video clips) are combined with the movie in a sequence specified by the broadcaster of the movie. Further, because, in Dimitri, the user may select which video clips to reproduce, the video clips are included separately from the movie.

In contrast, in the present method, (1) the commercials are stored interspersed with the program in a sequence as determined by the broadcaster of the information, (2) upon reproduction, the method reproduces ALL of the commercials, and moreover, (3) the sequence of commercials is that sequence determined by the broadcaster, not the user, because the commercials are reproduced in the sequence as received.

**CONCLUSION**

Claims 2-5, 8-30, and 32 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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By: \_\_\_\_\_

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